

AMENDMENTS TO THE CLAIMS:

Claim 1 (Currently amended): A constant monitoring and recovery system in a distributed information exchange network environment, comprising:

a measurement means that measure system interacting with a software-based application process to measure information otherwise not available to the information exchange network relating to task usage, metrics and or performance of a the software-based business application process; and

an evaluation means for system evaluating measured information based on underlying logic of the process at an application level.

Claim 2 (Currently amended): A constant monitoring and recovery system as in claim 1, wherein the evaluation system means is configured to evaluate the information by logic in combination with each other.

Claim 3 (Currently amended): A constant monitoring and recovery system as in claim 1, wherein the evaluation system means is configured dynamically from outside the application, and may be altered in real time.

Claim 4 (Currently amended): A constant monitoring and recovery system as in claim 1, wherein the measurement system means and evaluation system means are implemented in an application host.

Claim 5 (Currently amended): A constant monitoring and recovery system as in claim 4, ~~where wherein~~ the measurement ~~system means~~ and evaluation ~~system means~~ introduce relatively low overhead to the application host.

Claim 6 (Currently amended): A constant monitoring and recovery system as in claim 1, further ~~providing means for~~ comprising an initiating system initiating real-world responses based on the results of the evaluation ~~system means~~.

Claim 7 (Currently amended): A constant monitoring and recovery system as in claim 6, wherein the real-world responses comprise at least one of application restart, interaction with load balancing equipment, or ~~and~~ failure notification.

Claim 8 (Currently amended): A constant monitoring and recovery system as in claim 7, wherein the ~~means for~~ initiating system is configured to complete an existing process before restarting the application.

Claim 9 (Currently amended): A constant monitoring and recovery system as in claim 1, further comprising a database that allows measured information to persist for later archival and/or evaluation.

Claim 10 (Original): A constant monitoring and recovery system as in claim 9, further comprising a system for retaining measured information at specified levels of granularity for specified periods of time.

Claim 11 (Currently amended): An application manager for a software based ~~business~~ application process, comprising:

a monitoring module means for interfacing with the process via a network, interacting with the process to monitor information otherwise not available to the network, and monitoring metrics or and performance of the process;

an evaluation module means for evaluating monitored information based on logic of the process; and

a recovery module means for automatically recovering the application based on evaluated monitored information.

Claim 12 (Currently amended): An application manager as in claim 11, wherein the recovery module means is configured to recover the application after the existing process has been completed.

Claim 13 (Currently amended): An application manager as in claim 11, wherein the recovery module means comprises a notification module means for notifying an administrator of failure of the process.

Claim 14 (Currently amended): An application manager as in claim 11, wherein the monitoring module means is configured to provide access into the performance of various components of the software-based ~~business~~ application to determine various levels of functionality of the application.

Claim 15 (Currently amended): An application manager as in claim 14, wherein the monitoring module means measures, when the application is in use, at least one of the levels of performance of actual ~~business~~ logic of the application, or ~~and~~ details of interactions of the monitored application with other external applications.

Claim 16 (Currently amended): An application manager as in claim 11, wherein the evaluation module means is configured to collected, filter, aggregate, and or evaluate measured information against the logic, based on specified criteria.

Claim 17 (Currently amended): An application manager as in claim 11, wherein the evaluation module means is configured dynamically from outside the application, and may be altered in real time.

Claim 18 (Currently amended): An application manager as in claim 11, further comprising archival module means for persisting data to be available for historical as well as real-time reporting.

Claim 19 (Original): An application manager as in claim 11, further comprising a system for retaining measured information at specified levels of granularity for specified periods of time.

Claim 20 (Currently amended): An application manager as in claim 11, wherein the recovery module means is configured to perform failure notification and recovery based on

logical evaluation of monitored data, and to initiate real-world events, including at least one of restarting the application process, performing a soft shutdown to further minimize service disruption and loss of information, or and sending a notification to an administrator.

Claim 21 (Currently amended): An application manager for constant monitoring and recovery of a software based ~~business~~ application process via a network, comprising:

~~an instrumentation API for setting~~ a program interface providing set up of monitoring parameters and interacting with the software-based application process to permit monitoring information otherwise not available to the network;

an event notification and automatic recovery evaluation engine processing information from the ~~instrument API~~ program interface; and

a monitoring console server providing ~~a~~ monitoring operations of the application manager.

Claim 22 (Currently amended): An application manager as in claim 21, wherein the program interface comprises an instrumentation API that is customizable, allowing one to instrument and monitor ~~unlimited~~ tasks within standard or custom code in existing programs within the software-based application process.

Claim 23 (Currently amended): An application manager as in claim 21, wherein the event notification and automatic recovery evaluation engine comprises at least one of:

~~means for~~ a forwarding module forwarding information to the monitoring console server for archiving and data mining;

~~means for an alerting module~~ alerting system administrator when performance thresholds are reached or when a complete restart of a failed application is necessary; and

~~means for a shut down module~~ performing a soft shutdown whereby an application is stopped in stages, keeping transactions from getting lost and ensuring enterprise reliability and availability.

Claim 24 (Currently amended): An application manager as in claim 21, wherein the monitoring console server comprises at least one of:

~~means for a determination module~~ providing determination of the functionality of immediate activity and historical data;

~~means for a personalization module~~ creating personalized views according to individual administrative roles and security access levels;

~~means for a remote access module~~ selecting what information and performance data can be accessed remotely; and

~~means for a viewing module~~ facilitating viewing data securely in real time via a web browser.

Claim 25 (Currently amended): An application manager as in claim 21, further comprising ~~a data module~~ ~~means for data~~ logging and mining ~~data~~, which is configured to record system metrics including alerts, restart time, performance and reliability data to a database, and forwarding data to a central logging server for event logging and data mining.

Claim 26 (New): A constant monitoring and recovery system in a distributed information exchange network environment, comprising:

a measurement system that measures information relating to task usage, metrics or performance of a software-based application process; and

an evaluation system evaluating measured information based on underlying logic of the process,

wherein the measurement system and evaluation system are implemented in an application host, and wherein the measurement system and evaluation system introduce relatively low overhead to the application host.

Claim 27 (New): A constant monitoring and recovery system in a distributed information exchange network environment, comprising:

a measurement system that measures information relating to task usage, metrics or performance of a software-based application process; and

an evaluation system evaluating measured information based on underlying logic of the process,

an initiating system initiating real-world responses based on the results of the evaluation system,

wherein the real-world responses comprise at least one of application restart, interaction with load balancing equipment, or failure notification, and wherein the initiating system is configured to complete an existing process before restarting the application.

Claim 28 (New): An application manager for a software based application process, comprising:

a monitoring module monitoring metrics or performance of the process;

an evaluation module evaluating monitored information based on logic of the process;
and

a recovery module automatically recovering the application based on evaluated
monitored information,

wherein the recovery module is configured to recover the application after the existing
process has been completed.

Claim 29 (New): An application manager for constant monitoring and recovery of a
software based application process, comprising:

an program interface providing set up of monitoring parameters;

an event notification and automatic recovery evaluation engine processing information
from the program ; and

a monitoring console server providing a monitoring operations of the application
manager,

wherein the program interface is customizable, allowing one to instrument and monitor
tasks within standard or custom code in existing programs.